

SCHEDULE 1

AMENDMENTS TO PARTS 1 TO 10 AND 13 TO 16 OF THE PRINCIPAL RULES

New rule 98

37. For rule 98 substitute—

“Applications to withdraw a restriction from the register

98.—(1) An application to withdraw a restriction must be made in Form RX4 and be accompanied by the required consent.

(2) The required consent is—

- (a) where the restriction requires the consent of a specified person, the consent of that person,
- (b) where the restriction requires a certificate to be given by a specified person, the consent of that person,
- (c) where the restriction requires notice to be given to a specified person, the consent of that person,
- (d) where the restriction requires the consent of a specified person, or alternatively a certificate to be given by a specified person, the consent of all such persons,
- (e) in any other case, the consent of all persons who appear to the registrar to have an interest in the restriction.

(3) No application may be made to withdraw a restriction—

- (a) that is entered under section 42(1)(a) of the Act and reflects some limitation on the registered proprietor’s powers of disposition imposed by statute or the general law,
- (b) that is entered in the register following an application under rule 94,
- (c) that the registrar is under an obligation to enter in the register,
- (d) that reflects a limitation under an order of the court or registrar, or an undertaking given in place of such an order,
- (e) that is entered pursuant to a court order under section 46 of the Act.

(4) The registrar may accept a certificate given by a conveyancer that the conveyancer holds a required consent.”.